

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6781

BILL NUMBER: SB 376

NOTE PREPARED: Jan 25, 2012

BILL AMENDED: Jan 24, 2012

SUBJECT: Discharge of Long-Term Inmates.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Clemency Recommendation* – It prohibits the parole board from making a clemency recommendation concerning an inmate who has received a sentence of life without parole, and prohibits the parole board from conducting an investigation or holding a hearing concerning an inmate sentenced to life without parole unless requested to do so by the Governor.
- B. *Release of Long-Term Offenders to Parole* – It provides that the Department of Correction shall release a long-term inmate if the inmate meets certain criteria.
- C. It repeals superseded provisions.

Effective Date: July 1, 2012.

Explanation of State Expenditures: (Revised) *Rehabilitation-Based Discharge of Long-Term Offenders* – Depending on the number of offenders who are released, the state could save up to \$3,317 per offender per year for the minimum costs of medical care, food and clothing, and shelter. LSA found 18 offenders on December 22, 2011 who might meet some or all of the criteria for determining when offenders could possibly meet the criteria for earlier release onto to parole supervision. These are all offenders who have been sentenced for nonviolent offenses.

Number of Offenders Scheduled to be Released Between 2012 and 2022							
Year of Release	2012	2013	2014	2015	2017	2020 through 2022	Total Offenders
Minimum Security	2	2	1				5
Medium Security	3		1	1	2		7
Maximum Security			1			5	6
Number of Offenders	5	2	3	1	2	5	18

Background – Offenders who were sentenced for the following violent crimes (as defined by IC 35-50-1-2) are not eligible for this review:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Causing death when operating a motor vehicle (IC 9-30-5-5).

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction Offender Information System.

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